Docket No.: 194536US2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/782,164
    Applicants: Tetsuro MOTOYAMA, et al.
    Filing Date: February 14, 2001
    For: METHOD AND SYSTEM OF REMOTE
        DIAGNOSTIC, CONTROL AND INFORMATION
        COLLECTION USING A DYNAMIC LINKED
        LIBRARY FOR MULTIPLE FORMATS AND
        MULTIPLE PROTOCOLS WITH VERIFICATION OF
        FORMATS AND PROTOCOLS
    Group Art Unit: 2194
    Examiner: TRUONG, LECHI

SIR:
    Attached hereto for filing are the following papers:

APPEAL BRIEF (W/ APPENDIXES)

    Our credit card payment form in the amount of **$500.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

James J. Kulbaski
Registration No. 34,648
Kurt M. Berger, Ph.D.
Registration No. 51,461

Customer Number
22850
(703) 413-3000 (phone)
(703) 413-2220 (fax)
JJK:KMB:fbl
I:\ATTY\KMB\194'S\194536US\194536.PTO CVR.DOC

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF	:
TETSURO MOTOYAMA, ET AL.	: EXAMINER: TRUONG, LECHI
SERIAL NO: 09/782,164	:
FILED: FEBRUARY 14, 2001	: GROUP ART UNIT: 2194
FOR: METHOD AND SYSTEM OF REMOTE DIAGNOSTIC, CONTROL AND INFORMATION COLLECTION USING MULTIPLE FORMATS AND MULTIPLE PROTOCOLS WITH VERIFICATION OF FORMATS AND PROTOCOLS	:

APPEAL BRIEF

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants appeal the outstanding Final Rejection of June 22, 2005, finally rejecting

each of pending claims 1-24.

I. REAL PARTY IN INTEREST

The above-noted application is assigned to Ricoh Company, Ltd., which is the real

party in interest, having a place of business at Tokyo, Japan.

II. RELATED APPEALS AND INTERFERENCES

The present application is related to U.S. Application No. 09/782,064 ("the '064

application"), which was filed on the same day as the present application. A Notice of

Appeal was filed in the '064 application on September 20, 2005, while an Appeal Brief was

filed on October 21, 2005. Further, the present application is related to U.S. Application No.

09/782,187 ("the '187 application"), which was filed on the same day as the present

application. A Notice of Appeal was filed in the '187 application on September 9, 2005,

while an Appeal Brief was filed on November 2, 2005. Even though it is presently believed

that a decision in the '064 and '187 applications will not directly affect or be directly affected

by or have a bearing on the Board's decision in the pending appeal, the '064 and '187

applications are disclosed merely as a precaution to assure that full disclosure is made to the

PTO.

III. STATUS OF CLAIMS

Claims 1-24 are pending in this application and the rejection of each of claims 1-24 is

being appealed.

No claims were cancelled, but Claims 1-3, 8, 9, 15 were amended and Claims 21-24

were added during prosecution of this application.

IV. STATUS OF AMENDMENTS

A Request for Reconsideration was filed subsequent to the Final Rejection dated June

22, 2005. Accordingly, all previously filed Amendments have been considered by the

Examiner and are reflected in the attached claims.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The applicants of the present invention recognized that a problem exists in the current

art in that until the present invention there was not a method and system for collecting

information regarding a plurality of target applications in an application unit.

Accordingly, Claim 1 sets forth an object-oriented method of collecting information regarding a plurality of target applications in an application unit. The method recited in Claim 1 is generally supported by Figures 9-12A (Figure 9 shows target applications 510, 512, and 513 in device/appliance 300) and the description related thereto in the specification, i.e., pages 23-31.

In particular, Claim 1 recites <u>notifying a monitoring device, by a first one of the plurality of target applications, through an interface, of an identification of the first one of the plurality of target applications</u>, which finds supports, e.g., in Figure 12A (application 514, interface 810, setapplicationID function) and Figure 9 (MonitoringSystem 515). See also page 30, lines 14-20.

Further, Claim 1 recites <u>requesting the monitoring device, by the first one of the plurality of target applications, through the interface, to start monitoring usage of the first one of the plurality of target applications</u>, which finds support, e.g., in Figure 12A (start Monitoring function, interface 810, application 514) and page 30, lines 21-24.

Next, Claim 1 recites <u>storing, by the monitoring device, information regarding monitored usage of the first one of the plurality of target applications</u>, which finds support, e.g., in Figure 12 (recordEvent, store Eventfunctions, EventLogger 840) and page 30, lines 25-28 and page 31, lines 24-27.

Finally, Claim 1 recites <u>requesting the monitoring device, by the first one of the plurality of target applications, through the interface, to send the stored information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination</u>, which finds support, e.g., in Figure 12A (stopMonitoring) and page 31, lines 1-3 and lines 9-17. See also Figure 13A, steps 5 and 6; and page 37, lines 5-9.

Independent Claim 8 sets forth an object-oriented system for collecting information regarding a plurality of target applications, which generally find support in Figures 9-12A

and the discussion related thereto in the specification. In particular, Claim 8 recites <u>a first</u> <u>device configured to notify, through an interface, a monitoring device of an identification of</u> <u>the first one of the plurality of target applications, wherein the first device is included in the</u> <u>first one of the plurality of target applications</u>. See Figure 9 (target applications 510, 512, and 513); Figure 12A, and page 30, lines 14-20. In addition, Claim 8 recites <u>a second device</u> <u>configured to request, through the interface, the monitoring device to start monitoring usage</u> <u>of the first one of the plurality of target applications, wherein the second device is included in</u> <u>the first one of the plurality of target applications and the monitored device is configured to</u> <u>store information regarding monitored usage of the first one of the plurality of target</u> <u>applications</u>. See Figure 12A, page 30, lines 21-8; and page 31, lines 24-27. Finally, Claim 8 recites <u>a third device configured to request, through the interface, the monitoring device to</u> <u>send the stored information regarding monitored usage of the first one of the plurality of</u> <u>target applications to a first predetermined destination, wherein the third device is included in</u> <u>the first one of the plurality of target applications</u>. See Figure 12A and page 31, lines 1-3 and 9-17. See also Figure 13A and page 37, lines 5-9.

Independent Claim 15 is directed to a program product for collecting information regarding a plurality of target applications in an application unit, the program product comprising a computer readable medium embodying program instructions for causing an object-oriented system to perform steps analogous to the limitations recited in Claim 1. Thus, Claim 15 is supported by the originally filed specification and drawings in a manner analogous to the support for Claim 1 described above. In addition,

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection being appealed are as follows:

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(1) whether the combined teachings of U.S. Patent No. 6,237,143 to <u>Fontana et al.</u> (hereinafter "the '143 patent"),U.S. Patent No. 6,126,330 to <u>Knight</u> (hereinafter "the '330 patent"), and U.S. Patent No. 6,041,327 to <u>Glitho et al.</u> (hereinafter "the '327 patent") render obvious the subject matter of each of Claims 1-3, 8-10, 15-17, and 22-24 under U.S.C. § 103(a);

(2) whether the combined teachings of the '143, '330, and '327 patents in view of U.S. Patent No. 4,672,611 to <u>Fukuhara et al.</u> (hereinafter "the '611 patent") render obvious the subject matter of Claims 4, 11, and 18 under 35 U.S.C. § 103(a); and

(3) whether the combined teachings of the '143, '330, '327, and '611 patents in view of PCT application WO 98/47270 to <u>Tuominen</u> (hereinafter "the '270 application") render obvious the subject matter of Claims 5-7, 12-14, and 19-21 under 35 U.S.C. § 103(a).

VII. <u>ARGUMENT</u>

<u>Claims 1-24</u>

Claim 1 is directed to an object-oriented method of collecting information regarding a plurality of target applications in an application unit, comprising: (1) notifying a monitoring device, by a first one of the plurality of target applications, through an interface, of an identification of the first one of the plurality of target applications; (2) requesting the monitoring device, by the first one of the plurality of target applications, through the interface, to start monitoring usage of the first one of the plurality of target applications; (3) storing, by the monitoring device, information regarding monitored usage of the first one of the plurality of target applications; and (4) requesting the monitoring device, by the first one of the plurality of target applications, through the interface, to send the stored information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103, the Office Action asserts that the '143 and '330 patents disclose everything in Claim 1 with the exception of the step of requesting the monitoring device to send the stored information regarding monitored usage to a first predetermined destination, and relies on the '327 patent to remedy that deficiency.

The '143 patent is directed to a method for monitoring and capturing the pattern of file usage for each of a plurality of diverse software tools provided on a computer system. As shown in Figure 3, the '143 patent discloses a system in which a file filter 18 monitors the file access of tool 17 and stores the monitored data in a monitor file 37. However, as admitted in the Office Action, the '143 patent fails to disclose the step of <u>requesting the monitoring device, by the first one of the plurality of target applications, through the interface, to send stored information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination</u>, as recited in Claim 1.

The '330 patent is directed to a computer-implemented method for providing run-time instrumentation for an object-oriented program computer application that uses a set of software tools to create a monitor input file that indicates which objects of the application should be monitored when a user interacts with them. However, as admitted in the Office Action, the '330 patent fails to disclose <u>requesting the monitoring device, by the first one of a plurality of target applications, to send stored information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination</u>, as recited in Claim 1.

The '327 patent is directed to a system including a client 14 and a server relational database 16 that is configured to monitor for accesses of the server relational database that indicate events of interest and to generate a notification concerning those events for communication to the client. In particular, the '327 patent discloses that the server relational database is a home location register database storing <u>wireless subscriber data</u> including, for

example, the current location of each subscriber. Further, the '327 patent discloses that the

plurality of system nodes 12 comprise mobile switching centers (MSC) that switch calls to

and from subscriber mobile stations within the system 10. The client 14 comprises a

customer administrative system for the wireless telecommunications network.[1] In addition,

the '327 patent discloses that the client 14 can communicate through the server relational

database those events that the client would like the database to monitor for and to receive

notifications when those events occur. Further, the '327 patent discloses that the events in

question are events related to the system nodes 12.[2] In this way, the client 14 can monitor

fraudulent or unauthorized calls made on the system. However, Applicants respectfully

submit that the '327 patent fails to disclose the step of requesting the monitoring device, by

the first one of the plurality of target applications, through the interface, to send stored

information regarding monitored usage of the first one of the plurality of target applications

to a first predetermined destination, as recited in Claim 1. In particular, assuming that the

Office Action is equating (1) the client 14 with the claimed first one of the plurality of target

applications, and (2) the server relational database with the claimed monitoring device,

Applicants respectfully submit that the '327 patent fails to disclose that the client 14 requests

that the database 16 sends stored information regarding monitored usage of client 14 to a first

predetermined destination. Rather, the notification sent by the database to the client 14

relates to system node events, and not to monitored usage of the client 14. Moreover, the

notifications are not sent to a first predetermined destination, as required by Claim 1, but are

sent to the client 14.

Thus, no matter how the teachings of the '143, '330, and '327 patents are combined,

the combination does not teach or suggest requesting the monitoring device, by the first one

of a plurality of target applications, through the interface, to send the stored information

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[1] '327 patent, column 3, lines 3-8.
[2] See *Id*, column 4, lines 8-17.

regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination, as recited in Claim 1. Accordingly, for the reasons stated above, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejection of Claim 1 (and dependent Claims 2, 3, and 22) should be withdrawn.

Further, Applicants note that the stated motivation for combining the teachings of the '143, '330 and '327 patents is "because Glitho's requesting the monitoring device, by the first of the plurality of target applications, through the interface to send the stored information would improve the efficiency of Fontana and Bryant's [sic] systems *by allowing the monitor to prevent such unauthorized calls from being completed.*"[3] However, Applicants respectfully submit that the '143 and '330 patents are not related to the prevention of unauthorized calls, as suggested in the Office Action. Accordingly, Applicants respectfully submit that one of ordinary skill in the art would not have been motivated by the teaching in the '327 patent that unauthorized calls can be prevented to modify the teachings of the '143 and '330 patents, assuming the teachings of those patents were properly combined. Accordingly, for this additional reason, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejection of Claim 1 (and dependent Claims 2, 3, and 22) should be withdrawn.

Independent Claims 8 and 15 recite limitations analogous to the limitations recited in Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejection of Claims 8 and 15 (and all similar rejected dependent claims) should be withdrawn.

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[3] See page 4 of the outstanding Office Action. Emphasis added.

Regarding the rejection of dependent Claims 4-7, 11-14, and 18-21 under 35 U.S.C. § 103, Applicants respectfully submit that the '611 patent and the '270 application fail to remedy the deficiencies of the '143, '330, and '327 patents, as discussed above. Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejection of Claims 4-7, 11-14, and 18-21 should be withdrawn.
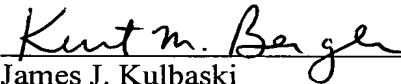
Thus, it is respectfully submitted that independent Claims 1, 8, and 15 (and all associated dependent claims) patentably define over any proper combination of the '270 application and the '143, '330, '327, and '611 patents.

VIII. CONCLUSION

For the foregoing reasons, Applicant respectfully submits that each of claims 1-24 patentably distinguishes over the combination of teachings of '270 application and the '143, '330, '327, and '611 patents. Therefore, the outstanding rejections must be REVERSED.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

James J. Kulbaski
Attorney of Record
Registration No. 34,648
Kurt M. Berger, Ph.D.
Registration No. 51,461

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 08/03)
JJK/KMB:smi
I:\ATTY\KMB\194'S\194536US\194536US.APPEAL.BRIEF.DOC

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CLAIMS APPENDIX

1. (Rejected) An object-oriented method of collecting information regarding a plurality of target applications in an application unit, comprising:

notifying a monitoring device, by a first one of the plurality of target applications, through an interface, of an identification of the first one of the plurality of target applications;

requesting the monitoring device, by the first one of the plurality of target applications, through the interface, to start monitoring usage of the first one of the plurality of target applications;

storing, by the monitoring device, information regarding monitored usage of the first one of the plurality of target applications; and

requesting the monitoring device, by the first one of the plurality of target applications, through the interface, to send the stored information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination.

2. (Rejected) The method according to Claim 1, further comprising:

requesting the monitoring device, by the first one of the plurality of target applications, through the interface, to record a first event of the first one of the plurality of target applications.

3. (Rejected) The method according to Claim 1, further comprising:

notifying the monitoring device, by a second one of the plurality of target applications, through the interface, of an identification of the second one of the plurality of target applications;

requesting the monitoring device, by the second one of the plurality of target applications, through the interface, to start monitoring usage of the second one of the plurality of target applications; and

requesting the monitoring device, by the second one of the plurality of target applications, through the interface, to send data corresponding to information regarding monitored usage of the second one of the plurality of target applications to a second predetermined destination.

4. (Rejected) The method according to Claim 1, wherein the step of requesting the monitoring device, by the first one of the plurality of target applications, through the interface, to send information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination further comprises:

requesting the monitoring device, by the first one of the plurality of target applications, through the interface, to format the data corresponding to the information regarding monitored usage of the first one of the plurality of target applications according to a first predetermined format; and

requesting the monitoring device, by the first one of the plurality of target applications, through the interface, to send the data corresponding to the information regarding monitored usage of the first one of the plurality of target applications to the first predetermined destination through a first predetermined communication protocol.

5. (Rejected) The method according to Claim 4, further comprising the step of determining whether a combination of the first predetermined format and the first predetermined communication protocol is invalid.

6. (Rejected) The method according to Claim 5, further comprising:

when the step of determining determines that the combination is invalid, performing

at least one of the steps of

converting the first predetermined format to a first acceptable predetermined

format, and

converting the first predetermined communication protocol to a first

acceptable predetermined communication protocol.

7. (Rejected) The method according to Claim 4, wherein

the first predetermined format includes one of text format, binary format, comma

separated format and eXtensible Markup Language (XML) format, and

the first predetermined communication protocol includes one of Simple Mail Transfer

Protocol (SMTP), File Transfer Protocol (FTP) and local disk.

8. (Rejected) An object-oriented system for collecting information regarding a

plurality of target applications in an application unit, the system comprising:

a first device configured to notify, through an interface, a monitoring device of an

identification of the first one of the plurality of target applications, wherein the first device is

included in the first one of the plurality of target applications;

a second device configured to request, through the interface, the monitoring device to

start monitoring usage of the first one of the plurality of target applications, wherein the

second device is included in the first one of the plurality of target applications and the

monitored device is configured to store information regarding monitored usage of the first

one of the plurality of target applications; and

a third device configured to request, through the interface, the monitoring device to send the stored information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination, wherein the third device is included in the first one of the plurality of target applications.

9. (Rejected) The system according to Claim 8, further comprising;

a fourth device configured to request, through the interface, the monitoring device to record a first event of the first one of the plurality of target applications, wherein the fourth device is included in the first one of the plurality of target applications.

10. (Rejected) The system according to Claim 8, further comprising:

a fifth device configured to notify, through the interface, the monitoring device of an identification of the second one of the plurality of target applications, wherein the fifth device is included in the second one of the plurality of target applications;

a sixth device configured to request, through the interface, the monitoring device to start monitoring usage of the second one of the plurality of target applications, wherein the sixth device is included in the second one of the plurality of target applications; and

a seventh device configured to request, through the interface, the monitoring device to send data corresponding to information regarding monitored usage of the second one of the plurality of target applications to a second predetermined destination, wherein the seventh device is included in the second one of the plurality of target applications.

11. (Rejected) The system according to Claim 8, wherein the third device is further configured to request, through the interface, the monitoring device to format the data corresponding to the information regarding monitored usage of the first one of the plurality of

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target applications according to a first predetermined format and to request, through the

interface, the monitoring device to send the data corresponding to the information regarding

monitored usage of the first one of the plurality of target applications to the first

predetermined destination through a first predetermined communication protocol.

12. (Rejected) The system according to Claim 11, further comprising an eighth

device configured to determine whether a combination of the first predetermined format and

the first predetermined communication protocol is invalid.

13. (Rejected) The system according to Claim 12, further comprising a ninth device

configured to perform at least one of the steps of converting the first predetermined format to

a first acceptable predetermined format, and converting the first predetermined

communication protocol to a first acceptable predetermined communication protocol, when

the eighth device determines that the combination is invalid.

14. (Rejected) The system according to Claim 11, wherein

the first predetermined format includes one of text format, binary format, comma

separated format and eXtensible Markup Language (XML) format, and

the first predetermined communication protocol includes one of Simple Mail Transfer

Protocol (SMTP), File Transfer Protocol (FTP) and local disk.

15. (Rejected) A program product for collecting information regarding a plurality of

target applications in an application unit, the program product comprising a computer

readable medium embodying program instructions for causing an object-oriented system to

perform the steps of:

notifying a monitoring device, by a first one of the plurality of target applications, through an interface, of an identification of the first one of the plurality of target applications;

requesting the monitoring device, by the first one of the plurality of target applications, through the interface, to start monitoring usage of the first one of the plurality of target applications;

storing, by the monitoring device, information regarding monitored usage of the first one of the plurality of target applications; and

requesting the monitoring device, by the first one of the plurality of target applications, through the interface, to send the stored information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination.

16. (Rejected) The program product according to Claim 15, wherein the program instructions cause the system to further perform the step of

requesting the monitoring device, by the first one of the plurality of target applications, through the interface, to record a first event of the first one of the plurality of target applications.

17. (Rejected) The program product according to Claim 15, wherein the program instructions cause the system to further perform the steps of:

notifying the monitoring device, by a second one of the plurality of target applications, through the interface, of an identification of the second one of the plurality of target applications;

requesting the monitoring device, by the second one of the plurality of target applications, through the interface, to start monitoring usage of the second one of the plurality of target applications; and

requesting the monitoring device, by the second one of the plurality of target

applications, through the interface, to send data corresponding to information regarding

monitored usage of the second one of the plurality of target applications to a second

predetermined destination.

18.   (Rejected)   The program product according to Claim 15, wherein the step of

requesting the monitoring device, by the first one of the plurality of target applications,

through the interface, to send information regarding monitored usage of the first one of the

plurality of target applications to a first predetermined destination further comprises:

requesting the monitoring device, by the first one of the plurality of target

applications, through the interface, to format the data corresponding to the information

regarding monitored usage of the first one of the plurality of target applications according to

a first predetermined format; and

requesting the monitoring device, by the first one of the plurality of target

applications, through the interface, to send the data corresponding to the information

regarding monitored usage of the first one of the plurality of target applications to the first

predetermined destination through a first predetermined communication protocol.

19.   (Rejected)   The program product according to Claim 18, wherein the program

instructions cause the system to further perform the step of determining whether a

combination of the first predetermined format and the first predetermined communication

protocol is invalid.

20.   (Rejected)   The program product according to Claim 19, wherein:

when the step of determining determines that the combination is invalid, the program

instructions cause the system to further perform at least one of the steps of

converting the first predetermined format to a first acceptable predetermined

format, and

converting the first predetermined communication protocol to a first

acceptable predetermined communication protocol.

21. (Rejected) The program product according to Claim 18, wherein

the first predetermined format includes one of text format, binary format, comma

separated format and eXtensible Markup Language (XML) format, and

the first predetermined communication protocol includes one of Simple Mail Transfer

Protocol (SMTP), File Transfer Protocol (FTP) and local disk.

22. (Rejected) The method of Claim 1, wherein the step of requesting the monitoring

device to start monitoring comprises:

selectively determining, by the first one of the plurality of target applications, at least

one type of event to be monitored by the monitoring device.

23. (Rejected) The system of Claim 8, wherein the second device is configured to

selectively determine at least one type of event to be monitored by the monitoring device.

24. (Rejected) The program product of Claim 15, wherein the step of requesting the

monitoring device to start monitoring comprises:

selectively determining, by the first one of the plurality of target applications, at least

one type of event to be monitored by the monitoring device.

EVIDENCE APPENDIX

None

RELATED PROCEEDING APPENDIX

None